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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,218	10/28/2003	Shintaro Hirano	040894-5970	2948
9629	7590	10/24/2005	EXAMINER CHEN, TIANJIE	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			ART UNIT 2652	PAPER NUMBER

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/694,218

Applicant(s)

HIRANO, SHINTARO

Examiner

Tianjie Chen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## ***Non-Final Rejection***

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 1 and 4 are objected to because of the following informalities:

- In claim 1, line 9; "slating" should be changed to --slanting--.
- In claim 4, line 7; "slating" should be changed to --slanting--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Park (US 6,005,831).

Park shows a disk identifying device in Figs. 3-5 including: a rotary tray 210 (Column 2, line 57) having a plurality of disk placing portions 212, 213, and 214 on each of which a disk 231, 232, and 232 as a recording medium is to be placed and each of which has an assigned number; a belt-like portion with 284 concentrically formed on a rear surface (Fig. 4) of the rotary tray, the belt-like portion having disk presence/absence detecting areas each detecting the presence/absence of the disk on each of the disk placing portions (Column 3, line 66 to column 4, line 5) on the basis

Art Unit: 2652

of reflected light (Column 3, lines 56-61), and reflected light pattern 281, 282, 283 forming areas each for identifying a position of a pertinent disk placing portion; a light emitting element 260 (Column 3, line 40) provided behind the rear surface of the rotary tray for emitting light toward the belt-like portion; and a light receiving element 270 provided behind the rear surface of the rotary tray (Column 3, lines 45-61) for receiving light reflected from the belt-like portion; wherein rotation of the rotary tray is stopped to stop the pertinent disk placing portion (Column 4, lines 22-32), at a prescribed position in accordance with a disk number designating signal by identifying the assigned number assigned to the pertinent disk placing portion.

***Allowable Subject Matter***

4. Claims 1 and 2 are allowed.

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

- With regard to claims 1 and 4; as the closest reference, Park (US 6,005,831) discloses a disk identifying device including: a belt-like portion concentrically formed on a rear surface of the rotary tray, the belt-like portion having disk detecting holes each corresponding to a position of each of the disk placing portions; **but fails to show** that reflecting areas each formed between adjacent disk detecting holes and including slanting reflecting faces and flat reflecting faces which are divisionally arranged so that their arrangement patterns are different for each of the assigned numbers of the disk placing portions.

Art Unit: 2652

- With regard to claims 2 and 5; as the closest reference, Park (US 6,005,831) discloses a disk identifying device including: a belt-like portion concentrically formed on a rear surface of the rotary tray, the belt-like portion having disk detecting holes each corresponding to a position of each of the disk placing portions; **but fails to show** light-receiving areas each formed between adjacent disk detecting holes and including light-absorptive color light-receiving faces and light-reflective color light-receiving faces which are divisionally arranged so that their arrangement patterns are different for each of the assigned numbers of the disk placing portions.
- Applicant assumes that this invention has been accomplished to provide a disk identifying device simplified in structure and reduced in costs by applying a configuration rotary tray rotary position detecting means corresponding to a rotary sensor and a disk presence/absence detecting means commonly used (Specification, p. 8).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

5. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2652

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TIANJIE CHEN  
PRIMARY EXAMINER